

**Sec. 27-1. Declaration of purpose.**

This chapter is enacted pursuant to authorization contained in the California Vehicle Code, particularly Sections 9250.7, 22660, 22702, and 22710, as the same may be amended from time to time, or successor legislation in order to effectuate the removal of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof from private property or from public property, not including highways, and recovery of costs of administration and removal thereof; and, for the further purpose of qualifying for such funds as may be made available by the State of California, Department of Public Works, from the abandoned vehicle trust fund.

(Ord. No. 606, § 1, 7-11-77)

**Sec. 27-2. Declaration of public nuisance.**

Abandoned, wrecked, dismantled or inoperative vehicles, including vehicles not currently registered as operable, or parts thereof, upon public property or private property, except highways, are public nuisances, and shall be abated and disposed of as provided in this chapter, in addition to such other remedies as may be provided in this Code or by law.

(Ord. No. 606, § 1, 7-11-77; Ord. No. 936, § 1, 10-13-98)

**Sec. 27-3. Administration of chapter.**

The city manager or such other regularly salaried, full-time employees of the City of Belmont as may be delegated by the city manager, are hereby authorized to administer and enforce the provisions of this chapter, except that actual removal of vehicles or parts thereof from property may be by any person so authorized by the city manager or his delegate.

(Ord. No. 606, § 1, 7-11-77)

**Sec. 27-4. Notice of violation.**

Whenever the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private property or public property, not including highways, is made known to the city manager, he shall give not less than ten (10) days' notice of intention to abate and remove the vehicle or part thereof as a public nuisance,

and of the hearing rights of the owner of the property on which the vehicle is located and the owner of the vehicle, by sending such notice by registered or certified mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record, unless the vehicle is in such condition that identification numbers are not available to determine ownership. Such notice shall include notice to the property owner that he may appear in person at a hearing or may present a sworn written statement denying responsibility for the presence of the vehicle on the land, with his reasons for such denial, in lieu of appearing.

(Ord. No. 606, § 1, 7-11-77)

**Sec. 27-5. Hearing.**

If, within ten (10) days from the mailing of the notice of intention to abate and remove the vehicle, the owner of the vehicle or the owner of the land on which such vehicle is located requests a hearing in writing to the city manager or his delegate, or if the owner of the land on which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such time period, in which case said statement shall be construed as a request for hearing which does not require the presence of the owner submitting such request, the city manager or his delegate shall hold a hearing within thirty (30) days of the receipt of such request or sworn written statement. If such request or sworn written statement is not received within such period, the city manager or his delegate shall have the authority to remove the vehicle as provided in this chapter.

(Ord. No. 606, § 1, 7-11-77)

**Sec. 27-6. Conduct of hearing.**

The owner of the land on which the vehicle is located may appear in person at the hearing or present a sworn written statement

denying responsibility for the presence of the vehicle on the land, with his reasons for such denial. If the city manager or his delegate determines at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the costs of administration or removal of the vehicle shall not be assessed against the property upon which the vehicle is located, or otherwise attempted to be collected from such owners.

(Ord. No. 606, § 1, 7-11-77)

### **27-7. Collection of costs.**

Subject to the limitations, exceptions and results of hearings contained in this chapter, the costs of administration of this chapter and removal of the vehicle or parts thereof shall be collected from the owner of the land on which the vehicle is located, pursuant to Section 38773.5 of the Government Code of the State of California, amended from time to time, or successor legislation. The city manager or his delegate is authorized to assume the costs of administration and/or removal of abandoned, wrecked, dismantled or inoperative vehicles, or parts thereof, whenever the decision on a hearing held pursuant to this chapter, or other circumstances, equities, hardships, or the best interests of the city will best be served thereby.

(Ord. No. 606, § 1, 7-11-77)

### **Sec. 27-8. Removal.**

Following the expiration of the period for notice provided hereinabove, or the hearing if the same be held, the city manager or his delegate shall cause the removal of abandoned, wrecked, dismantled or inoperative vehicles, or parts thereof, from private property or public property, not including highways. Such vehicles, or parts thereof, may be removed to any scrap yard, automobile dismantler's yard, or any suitable site operated by the city for processing as scrap, or may be given such other final disposition as the city manager deems appropriate.

(Ord. No. 606, § 1, 7-11-77)

### **Sec. 27-9. Repair or reconstruction prohibited.**

No vehicle, or parts thereof, removed pursuant to this chapter shall be reconstructed or made operable.

(Ord. No. 606, § 1, 7-11-77)

### **Sec. 27-10. Notice to state agencies; appraisal.**

Within five (5) days after the date of removal, the city manager or his delegate shall cause such vehicle or parts thereof removed to be appraised, and shall forward to the department of motor vehicles of the State of California such information as is available identifying the vehicle or part thereof, and any evidence or registration certificates of title or license plates. Any city employee other than employees of the police department shall mail or personally deliver a written report identifying the vehicle and its location to the office of the Department of California Highway Patrol located nearest the vehicle prior to removing the same or causing such removal.

(Ord. No. 606, § 1, 7-11-77)

### **Sec. 27-11. Inapplicability of chapter.**

This chapter shall not apply to:

- (a) A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property.
- (b) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junkyard.

Nothing in this section shall authorize the maintenance of a public or private nuisance, as defined under any provision of law other than this chapter.

(Ord. No. 606, § 1, 7-11-77)

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